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March 23, 2009

Honorable Charles W. Johnson  
Washington State Supreme Court  
Temple of Justice  
P. O. Box 40929  
Olympia, WA 98504-0929

Re: Proposed APR 28—Legal Technicians

Dear Justice Johnson:

I write in support of the recently proposed legal technician rule. I was a member of the Practice of Law Board from its inception to September, 2008, and know first hand the effort that went into creating and promoting this rule. While it is not a panacea for all that ails our civil legal system, it will further your goal to create better access to this system. While I would have preferred to put before you a broader rule that would allow legal technicians to provide an array of general services, instead of one only addressing needs in the family law area, I believe this is a step forward in assuring Washingtonians have access to affordable, legal and law-related services by competent and well qualified individuals.

I urge you not to be dissuaded in your effort to increase access to our civil legal system by attorneys who I believe "doth protest too much" about how only lawyers are qualified to provide these services. As a member and leader in the Washington State Paralegal Association for more than 20 years, I have been actively involved in expanding paralegal roles in our legal system, and have consistently and frequently encountered attorney resistance to any attempt to do so. While the rallying cry by attorneys is that it will harm the consumer, the very transparent reality is that they are desperately seeking to protect their turf.

The truth is that consumers who are unable to afford the services of an attorney are currently in harm's way, and studies have identified that about 80% of low to moderate income people are unable to afford an attorney. Consumers of legal services are not just being harmed by unqualified and sometimes unscrupulous individuals who take advantage of the fact there are so many people in need who cannot afford an attorney, but also by attorneys themselves, who by disarming

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the public by denying them access to alternative sources of legal information, increase their chances of success.

For the past 10 years, there has been an effort by the Bar and others, such as the Attorney General's office, to pass a law that will make the unauthorized practice of law a per se violation of the Consumer Protection Act. The chilling effects of such a law will be to silence individuals who are not attorneys, but who give their time and talent to those less fortunate who find themselves in the position of navigating our legal system alone. Lay people who currently run the risk of criminal punishment by helping those who are unable to afford an attorney, would also face the risk of bankruptcy. It is an attractive double wammy to attorneys interested in protecting themselves against usurpers who dare to tread on their hallowed ground. For this reason alone it is imperative that a safe harbor be provided so that talented people willing to do the work for little pay, are not lost. For what will happen when a majority of our population has no where else to turn for help to redress their legal wrongs. My observations tell me that those extremely frustrated with how they are treated by our civil legal system turn more frequently to violence.

Judges working in the trenches are now faced with hoards of pro se litigants who have little understanding of the process, and whose legal and law-related needs could easily be met by someone, while not an attorney, is sufficiently trained in the law to assist individuals in routine legal matters. As a paralegal I perform these types of legal services every day, for attorneys. When I walk out of my office, the knowledge does not disappear. I have the knowledge base to help others, but my hands are tied by the law – created by lawyers – that makes it a crime for me to give assistance to a family member, friend or neighbor who does not have the resources to hire an attorney, and who is not poor enough to qualify for legal services.

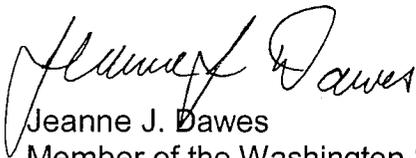
I want what you want – better access to our civil legal system, a safe place where people in need of legal and law-related services can go to find affordable help, and a system that better serves the people it was designed to serve. No one can deny that the system is broke, and unfortunately no one can agree on how to fix it. The sad fact is the people who the system is supposed to serve have no voice in this debate. That is where your leadership plays such a crucial role, helping people who often do not even realize their rights are being trampled.

I urge you to adopt APR 28, and after doing so, to ask the Practice of Law Board to quickly put before you similar proposals for Elder Law and Housing Law.

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Also, I urge you to continue to work with the Practice of Law Board and other groups to investigate other innovative ways in which APR 28 or similar rules may be applied to create better access to our civil legal system, so that the people it is supposed to serve are well served.

Sincerely,



Jeanne J. Dawes  
Member of the Washington State Paralegal Association  
Past Member of the Practice of Law Board  
Past Member of the Legal Foundation of Washington  
Past CASA volunteer

Cc: Chief Justice Gerry L. Alexander  
Justice Tom Chambers  
Justice Mary E. Fairhurst  
Justice James M Johnson  
Justice Barbara Madsen  
Justice Susan Owens  
Justice Richard B. Sanders  
Justice Debra L. Stephens  
Email copies to the Practice of Law Board